Law Firm of Richard Luff, LLC.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ERICA HANDSON, IN HER INDIVIDUAL CAPACITY, Plaintiff, v. MARK DANNELS, SHERIFF OF COCHISE COUNTY ARIZONA; MARCIO DEL CORSO; JG HOKE; JOHN DOES I-X; JANE DOES I-X; ABC CORPORATIONS I-X; XYZ PARTNERSHIPS I-X, Defendants.	Case No. **COMPLAINT** **(42USC1983)**

Eria Handson for her complaint alleges as follows:

1. Plaintiff is a domiciliary of Cochise County, Arizona.

2. Defendants Hoke and Del Corso, at all relevant times were Deputy Sheriffs of the Cochise County Sheriff's Department acting under color of state law and they were negligently trained and negligently supervised by Defendant, Sheriff Dannels, or his designees.

3. Jury Demand. This action seeks money damages because of a two county deputy sheriff's participation in private parties' wrongful deprivation of Plaintiff's property. Plaintiff alleges that all of the Defendants acted under color of state law and violated Plaintiff's rights under the

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Fourth and Fourteenth Amendments to the Constitution of the United States.

4. Jurisdiction. This Court has jurisdiction over Plaintiff's federal claim under 28 U.S.C. §§ 1331 and 1343.

5. Venue in the United States District Court for the District of Arizona is proper pursuant to 28 U.S.C. § 1391

6. On March 19, 2023, after a routine traffic stop where Defendant was traveling below the speed limit, Plaintiff was arrested and attempted to be booked into the Cochise County Jail by Defendants, Cochise County Sheriff's Department peace officers, who acted without probable cause, and charged Plaintiff with violating A.R.S. 28-1595, failure to provide identification, and 28-622, failure to comply with a lawful order.

7. Because of injuries inflicted by Defendants use of excessive force, Plaintiff was rejected for booking at the Cochise County Jail and had to be treated at a local hospital before being returned to the Cochise County jail were she eventually was booked.

8. The charges were dismissed voluntarily by the Cochise County Attorney's Office in August, 2023

9. Plaintiff is black female and defendants are white males.

10. Racial animus and sexism motivated defendants, at least in part.

11. The Fourth Amendment to the United States Constitution protects persons from being subjected to both unreasonable seizures and excessive force while being arrested. In other words, a law enforcement official may only use the amount of force necessary under the circumstances to make the arrest.

12. Every person has the constitutional right not to be subjected to unlawful arrest or excessive force while being arrested, even if the arrest is otherwise proper.

13. Defendants acted intentionally and deprived Plaintiff of her federal constitutional rights under the 4th and 14th Amendments to be free from unlawful seizure and excessive force.

14. Plaintiff suffered physical injury and   dignitary injuries as a result of Defendants

acts and omissions, including negligent training and supervision by Defendant Dannels.

WHEREFORE, Plaintiff prays for the following relief:

A. A judgment for compensatory damages in an amount to be determined at trial, plus reasonable attorney fees pursuant to 42 U.S.C. § 1988, against all Defendants;

B. A judgment for compensatory and punitive damages in an amount to be determined at trial, against;

D. A jury trial on all appropriate issues;

E. An award of costs and expenses against the Defendants;

F. Any and all other relief this Court may deem appropriate.

Respectfully submitted this 19th March, 2024

LAW FIRM OF RICHARD LUFF, LLC
/s/ Richard R. Luff

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Richard R. Luff

Dated this 19th day of March, 2024

/s/ **Richard R. Luff**

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Richard R. Luff,   Attorney for Plaintiff

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